

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MAT GATWECH WUOL,

Petitioner

v.

MARY SABOL, THOMAS DECKER,  
JOHN T. MORTON, JANET  
NAPOLITANO and ERIC HOLDER,

Respondents.

Civil No. 3:10-CV-2667

(Judge Kosik)

**FILED  
SCRANTON**

JUL 28 2011

PER

DEPUTY CLERK

ORDER

AND NOW, THIS 28<sup>th</sup> day of July, 2011, IT APPEARING TO THE COURT THAT:

(1) On December 30, 2010, Petitioner, Mat Gatwech Wuol, filed a Petitioner for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, in which he challenges his detention by the United States Immigration and Customs Enforcement ("ICE") agency. (Doc. 1).

(2) In his Petition, Petitioner "challenges the prolonged and continuing detention of [Petitioner] a native of Sudan who was admitted to the United States in September 1995, as a refugee at age 11. Petitioner has been incarcerated by immigration authorities since 5-2-2010, even though he poses no significant danger or flight risk, and even though his removal proceedings are unlikely to conclude in the reasonably foreseeable future. During the entire period of his detention petitioner has never had a hearing to determine whether his prolonged detention is justified." (Doc. 1 at 2).

(3) The case was assigned to Magistrate Judge Malachy E. Mannion.

(4) On February 9, 2011, the Government filed a response to the Petition. (Doc. 8).

(5) Petitioner filed a Traverse to the Response by the Government on March 9, 2011. (Doc. 9).

(6) On July 5, 2011, the court received notice from the Government that Petitioner had been released from custody on June 10, 2011.

(7) The Magistrate Judge issued a Report and Recommendation on July 7, 2011

recommending that since Petitioner has been released from custody as requested in his Petition, the Petition should be dismissed as moot. (Doc. 12 at 3).

(8) Pursuant to Local Rule 72.3, Petitioner was given fourteen (14) days, after being served with a copy of the Report and Recommendation, to make any objections to the Magistrate Judge's proposed findings, recommendations, or report. Petitioner failed to file objections.

AND IT FURTHER APPEARING THAT:

(9) If no objections are filed to a magistrate judge's report and recommendation, the plaintiff is not statutorily entitled to a de novo review of his claim. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. See Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987).

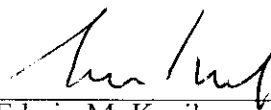
(10) We have reviewed the Report of the Magistrate Judge, and we agree with the Recommendation.

(11) When an alien subject to removal challenges only his detention pending removal, his release pending removal, whether or not conditional, entails no collateral consequences. It renders the petition moot because he has received all the relief he sought and would have been entitled to. Sanchez v. Attorney General, United States, 146 Fed. App'x 547, 549 (3d Cir. 2005); Riley v. Immigration & Naturalization Serv., 3010 F.3d 1253, 1257 (10th Cir. 2002); Jones v. Dep't of Homeland Sec., 325 F.Supp.2d 551, 554 (E.D. Pa. 2004). (Doc. 12 at 3).

(12) In the present action, Petitioner has been released from custody as requested in his Petition. Accordingly, Petitioner's Petition for Writ of Habeas Corpus will be dismissed as moot.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The July 7, 2011 Report and Recommendation of Magistrate Judge Malachy E. Mannion (Doc. 12) is ADOPTED;
- (2) Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is DISMISSED as moot; and
- (3) The Clerk of Court is directed to CLOSE this case, and to FORWARD a copy of this Order to the Magistrate Judge.



Edwin M. Kosik  
United States District Judge